

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

690I0694

## HOUSE BILL NO. 1266

Introduced by: Representative Garnos

1 FOR AN ACT ENTITLED, An Act to allow public contracts and bids to be awarded to any  
2 responsible bidder.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 5-18-2 be amended to read as follows:

5 5-18-2. Except as provided in § 5-18-9.4, all contracts of any public corporation, whether  
6 for the construction of public improvements or contracts for the purchase, lease or rental of  
7 materials, supplies or equipment, if such contracts involve an expenditure equal to or in excess  
8 of the amount provided for in § 5-18-3, ~~shall~~ may be let to ~~the lowest~~ any responsible bidder. The  
9 governing body may reject any and all bids and readvertise for proposals if none of the bids are  
10 satisfactory, or if ~~they believe~~ the governing body believes any agreement has been entered into  
11 by the bidders to prevent competition.

12 Section 2. That § 5-18-9 be repealed.

13 ~~—5-18-9. Unless all bids presented are rejected, the lowest responsible bid shall be accepted.~~  
14 ~~If the low bidder is not responsible or the bid is not made in accordance with the requirements~~  
15 ~~of this chapter or the low bid is withdrawn, the bid of the next lowest responsible bidder may be~~  
16 ~~accepted. If the lowest responsible bid exceeds the final estimated project cost by ten percent or~~



1 ~~less, the Bureau of Administration, acting on behalf of the state, or any other public corporation,~~  
2 ~~may negotiate with that low bidder for the construction of a public improvement or for the~~  
3 ~~purchase of the materials, supplies, or equipment at the most advantageous price.~~